

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING**

7:30pm

February 27, 2018

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:36 PM by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was transmitted to the Hunterdon County Democrat and Trenton Times on February 1, 2018. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Zoning Board of Adjustment Office. The meeting was recorded via digital recording system and a copy of the CD is on file in the Zoning Board of Adjustment Office.

Chairman Fulper led the Pledge of Allegiance to the American Flag.

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Joe Romano-present, George Fisher - present, Marvin Hartpence (alt. #1) - present, Michael Rassweiler (alt. #2)-present, Robert Fulper-present

Absent: Brian Fitting, Frank Sabatino, and John Ashton were absent.

Professionals Present: Stewart Palilonis, Board Attorney

ANNOUNCEMENTS:

Chairman Fulper announced that the site plan application for Columbia Fire House, No. 4 Block 39 Lot 4.01 for completeness and public hearing will be carried to March as the applicant is not prepared at this time. No further noticing is required.

PRESENTATION OF MINUTES:

Reorganization Meeting Minutes January 23, 2018- Mr. Cronce made a motion, seconded by Mr. Romano to approve the January 23, 2018 reorganization meeting minutes with two typographic errors.

Roll call vote: Cronce-aye, Romano-abstain, Fisher-aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

Reorganization Meeting Executive Session Minutes January 23, 2018- Mr. Cronce made a motion, seconded by Mr. Fisher to approve the January 23, 2018 Executive Session meeting minutes.

Roll call vote: Cronce-aye, Romano-abstain, Fisher-aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL:

Resolution 2018-8 Renee Soto and Dave Krasne – Block 8 Lot 34.02 – 70 Rocktown –Lambertville Rd.
(C Variances: side yard and rear setbacks, height)

The Board discussed the rear setback. The draft resolution had 57 feet, the applicant testified to 56 feet.

Page 2

Mr. Cronce made a motion to approve the resolution with the change of rear setback to 56 feet. Mr. Fisher seconded the motion. Roll call vote: Cronce-aye, Romano-aye, Fisher-aye, Hartpence-abstain, Rassweiler-abstain, Fulper-aye

APPLICATION(S):

Completeness and Public Hearing: Krishna Bice- Block 17 Lot 20.04 – 166 Rock Road West – C
Variance (setback) (7:45pm)

Board members and professionals received the following prior to the meeting:

- Completed application for a variance.
- West Amwell Township Zoning Board of Adjustment Checklist
- Letter dated 11/22/17 from Chris Rose, Zoning Official determining that the proposed residence does not comply with the front setback and requires a variance
- Plan titled “Footprint of Disturbance prepared for Block 17, Lot 20.04” prepared by Goldenbaum Bail Engineering Inc. dated 3/18/17, last revised 6/25/17
- Architectural brochure for Four Gables – Plan Number 1832
- Certification from Tax Collector dated 1/11/18 that all taxes are current.
- Letter of Interpretation Footprint of Disturbance Determination issued by NJDEP on 8/14/17.
- Escrow Agreement dated November 7, 2017.
- Copies of application and escrow fee checks
- Certified list of property owners within the Township of West Amwell from the Tax Assessor dated 10/18/17
- Copy of Deed dated 8/15/11
- Memo of Understanding
- Board members, applicant, and applicant’s engineer received a copy of Board Engineer Decker’s 1/17/18 review letter.

Attorney Palilonis announced that notices are in order. He swore in the applicants, Krishna and Jeff Bice, P.O. Box 668, Ringoes, and their engineer, Eric Rupnarain, 1005 Route 179, Lambertville, NJ.

Engineer Decker reviewed his 1/17/18 letter. He recommended the Board deem the application complete as all items were satisfied.

Mr. Cronce made a motion to deem the application for Krishna Bice complete. Mr. Fisher seconded the motion. (7:18pm)

Roll call vote: Cronce-aye, Romano-aye, Fisher-aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

Attorney Palilonis said this application, if approved, should be subject to the applicant submitting a copy of the contract as they are not the property owner. It was noted that Steve Lang, the property owner, signed the plat. Engineer Rupnarain said the contract will be provided.

Engineer Rupnarain provided testimony for the application as follows, he referred to a large copy of the drawing submitted with areas color coded for clarification.

The property is an undersized lot approximately three acres located in the Sourland Regional Planning District zone. The applicant is building a 2400 square foot dwelling and a 1200 square foot detached garage, the zoning has changed since the subdivision was created and the applicant cannot construct without a variance. Engineer Rupnarain described the proposed dwelling and its proposed location, along with the location of the septic system, on the drawing. A portion of the property has a DEP LOI footprint of disturbance to be wetlands or wetlands transition areas. Engineer Rupnarain explained where the wetlands begins on the drawing, this had changed since the property was subdivided. This change precludes the applicant from complying with the front setback requirement.

The driveway is on Rock Rd. The property is wooded. If the house is located closer to the road it minimizes the amount to be cleared and allows for some private backyard space.

Engineer Rupnarain explained that the original LOI expired years ago. The wetlands on the property have since expanded. He pointed out the wetlands and transition areas on the drawing. The only way to determine where the physical location of the wetland boundary is would be to apply for a LOI line verification.

Chairman Fulper asked if the house could be turned 90 degrees. Engineer Rupnarain said the front of the house faces Rock Rd. Ms. Bice said that aesthetically it would not work.

Chairman Fulper asked Engineer Rupnarain to explain the existing conditions outlined on page three of Engineer Decker's letter.

Engineer Rupernarian outlined the following three existing conditions:

- 1.) The minimum lot area requirement in the SRPD zone is eight acres, the lot is three acres which is an existing non-conforming condition.
- 2.) The minimum lot frontage required in the SRPD zone is 350 feet, the lot has a frontage of 334.55 feet.

Page 4

- 3.) The minimum buildable area required in the SRPD zone is 4 acres, the lot has a buildable area of .9 acres.

Chairman Fulper confirmed with Engineer Rupnarain that the applicant is requesting a variance for the front yard setback. Mr. Fisher asked if an LOI could have been received. Engineer Rupnarain replied yes. Attorney Palilonis read the grandfather provision from the Township code book, lots made undersized will remain legal lots. The code does not refer to frontage, therefore the only relief needed is for front setback.

Attorney Palilonis asked if there are houses on the adjacent lots. Ms. Bice said that other homes nearby are close to the road. The location of the property was discussed.

Mr. Cronic made a motion to grant relief of the 100 foot requirement to 75.5 feet to the front of the new house. There is a condition of the submission of the contract. (8:07pm) Mr. Fisher seconded the motion. Roll call vote: Cronic-aye, Romano-aye, Fisher-aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

Attorney Palilonis said for the record that a resolution will be presented to the Board at the next month's meeting for adoption. A newspaper notice will be published, appeals can be made up to 45 days after publication. Chairman Fulper advised the applicant that they are welcome to come to the next meeting.

Correspondence:

There were no comments on any correspondence.

Approval of Bill List 1/23/18:

The bill list was presented with a total of \$3079.87 for approval. Mr. Cronic made a motion to approve the bill list. Mr. Rassweiler seconded it. All were in favor.

DISCUSSION:

There were no items for discussion.

OPEN TO PUBLIC:

The floor was opened to the public.

Andrea Little approached the Board, she indicated that she lives in West Amwell Township. She said she is here for Columbia Fire House and asked what she could say. Attorney Palilonis said she cannot say anything unless it is innocuous as the applicant has the right to hear and respond.

Ms. Little made a statement that she was here for the November 20th meeting. She owns a property that is on Hancock Street which she purchased eight years ago from West Amwell Township. There was a dilapidated house on the property which she was hoping to be able to salvage but it was infested and a fire and safety hazard to the community so they had to knock it down. Regentrification is happening slowly but surely. She is going to build an approximately 1600 sq. ft. home on the property. The health department has the septic application. She was made aware yesterday that the Fire House has asked for a septic design and well. Ms. Little said if the Fire House received their variance it affects all the small

Page 5

houses on Hancock Street. Attorney Palilonis indicated that Ms. Little could not comment about this [at this time].

Ms. Little said she would just say she has a house there and will be coming to the Board at some point, her challenge will be that the lots are small and with regard to septic design and the other lot nearby her lot will become unbuildable. She currently pays over \$2500 in taxes. Attorney Palilonis commented that this is not germane to this Board.

Ms. Little said if a lot near her lot that just changed and gets approval then her lot becomes unbuildable. Attorney Palilonis said this cannot be entertained. Chairman Fulper explained that an application that is before the Board cannot be referenced at this time.

Ms. Little said she was not at the last meeting when the variance was made for the nearby property. Attorney Palilonis said the variance was approved in November and continued to tonight's meeting, there were no proceedings in between.

Ms. Little asked when the March meeting is. The Board Secretary responded that it is on March 27th.

The floor was closed to the public. (8:20pm)

EXECUTIVE SESSION:

The Board entered Executive Session to discuss litigation and personnel at 8:20pm.

The Board returned to regular session at 8:25 p.m.

ADJOURNMENT:

A motion to adjourn was made by Mr. Cronic, seconded by Mr. Rasweiler. All members voted in favor of adjournment at 8:25PM.

Respectfully submitted,

Christine A. Rosikiewicz